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**U.S. District Court
Eastern District of Virginia - (Alexandria)
CIVIL DOCKET FOR CASE #: 1:11-cv-00442-TSE -TCB**

American Management Services, LLC v. Department of the Army
Assigned to: District Judge T. S. Ellis, III
Referred to: Magistrate Judge Theresa Carroll Buchanan
Cause: 05:552 Freedom of Information Act

Date Filed: 04/22/2011
Date Terminated: 01/30/2012
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

American Management Services, LLC
doing business as
Pinnacle

represented by **David Samuel Panzer**
Greenberg Traurig LLP
2101 L Street, NW
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ATTORNEY TO BE NOTICED

Defendant

Department of the Army

represented by **Julie Ann Edelstein**
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703-299-3770
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ATTORNEY TO BE NOTICED

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 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/22/2011	<u>1</u>	COMPLAINT against Department of the Army (Filing fee \$ 350 receipt number 14683021043.), filed by American Management Services, LLC. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Civil Cover Sheet, # <u>9</u> Letter, # <u>10</u> Receipt)(tche) Modified text on 4/27/2011 (klau,). (Entered: 04/22/2011)
04/22/2011	<u>2</u>	Summons Issued for service by certified mail as to Department of the Army, U.S. Attorney and U.S. Attorney General. (tche) (Entered: 04/22/2011)
04/25/2011	<u>3</u>	ORDER for Pro hac vice of Joe Robert Reeder; Filing fee \$ 50.00, receipt number 14683021044. Signed by District Judge T. S. Ellis, III on 04/25/11. (Attachments: # <u>1</u> Receipt)(pmil) (Entered: 04/26/2011)
04/27/2011	<u>4</u>	NOTICE of Appearance by Julie Ann Edelstein on behalf of Department of the Army (Edelstein, Julie) (Entered: 04/27/2011)
04/27/2011	<u>5</u>	Certificate of Reporting Service as to U.S. Attorney; served on 4/22/2011, answer due 6/21/2011. (pmil) (Entered: 04/27/2011)
05/04/2011	<u>6</u>	Financial Interest Disclosure Statement (Local Rule 7.1) by American Management Services, LLC. (Panzer, David) (Entered: 05/04/2011)
05/23/2011	<u>7</u>	NOTICE of Appearance by Deirdre G. Brou on behalf of Department of the Army (Brou, Deirdre) (Entered: 05/23/2011)
05/23/2011	<u>8</u>	ANSWER to <u>1</u> Complaint, by Department of the Army.(Edelstein, Julie) (Entered: 05/23/2011)
05/24/2011		Notice of Correction re: <u>8</u> Answer to Complaint. The signature block on the document - Certificate of Service - does not match the filing users login. The filing user has been notified and has been asked to either refile the document - Certificate of Service - or to have the attorney whose signature block appears on the document refile the document - Certificate of Service. (pmil) (Entered: 05/24/2011)

05/24/2011		Notice of Correction re 8 Answer to Complaint, Notice of Correction - CLERK'S ERROR - NO CORRECTION NECESSARY. (pmil) (Entered: 05/24/2011)
05/31/2011	9	SCHEDULING ORDER:Initial Pretrial Conference set for 6/22/2011 at 11:00 AM in Alexandria Courtroom 500 before Magistrate Judge Theresa Carroll Buchanan. Final Pretrial Conference set for 9/15/2011 at 11:00 AM in Alexandria Courtroom 900 before District Judge T. S. Ellis III. Discovery due by 9/9/2011. Signed by District Judge T. S. Ellis, III on 05/31/11. (pmil) (VACATED PER ORDER OF TSE 06/06/11) Modified on 6/9/2011 to add text (pmil). (Entered: 05/31/2011)
06/06/2011	10	ORDER that the Rule 16(b) Pretrial Conference scheduled for Wednesday, 06/22/11 at 11:00 AM is CONTINUED to Wednesday, 06/29/11 at 11:00 AM before the undersigned. All other provisions of the Order of 05/31/11, including the dates for completion of discovery and the pretrial conference, remain in effect. Signed by Magistrate Judge Theresa Carroll Buchanan on 06/06/11. (pmil) (Entered: 06/06/2011)
06/06/2011		Reset Hearing: Initial Pretrial Conference set for 6/29/2011 at 11:00 AM in Alexandria Courtroom 500 before Magistrate Judge Theresa Carroll Buchanan. (pmil) (Entered: 06/06/2011)
06/06/2011	11	Joint MOTION to Vacate 9 Scheduling Order, by American Management Services, LLC, Department of the Army. (Attachments: # 1 Proposed Order)(Edelstein, Julie) (Entered: 06/06/2011)
06/06/2011	12	ORDER that the 11 Joint Motion to Vacate Scheduling Order is GRANTED, the Scheduling Order of 05/31/11 is VACATED, and the parties will file their respective cross-motions for summary judgment and responses on or before the following dates: 07/26/11 Deft files its Motion for Summary Judgment; 08/29/11 Pltf files its cross-motion for Summary Judgment/mem. in opposition to deft's Motion for Summary Judgment; 09/16/11 Deft files its reply mem./mem. in opposition to pltf's Motion for Summary Judgment; on Friday, 09/23/11, at 10:00 A.M., or as soon thereafter as counsel may be heard, the parties will bring on for hearing their cross-motions for Summary Judgment. Signed by District Judge T. S. Ellis, III on 06/06/11. (pmil) (Entered: 06/07/2011)
06/06/2011		Alexandria Set Hearing: Summary Judgment Hearing set for 9/23/2011 at 10:00 AM in Alexandria Courtroom 900 before District Judge T. S. Ellis III. (pmil) (Entered: 06/07/2011)
07/26/2011	13	MOTION for Summary Judgment by Department of the Army. (Edelstein, Julie) (Entered: 07/26/2011)

07/26/2011	<u>1</u> <u>4</u>	Memorandum in Support re <u>13</u> MOTION for Summary Judgment filed by Department of the Army. (Attachments: # <u>1</u> Exhibit DEX 1, # <u>2</u> Exhibit DEX 1, Att. A, Part 1, # <u>3</u> Exhibit DEX 1, Att. A, Part 2, # <u>4</u> Exhibit DEX 1, Att. A, Part 3, # <u>5</u> Exhibit DEX 1, Att. A, Part 4, # <u>6</u> Exhibit DEX 1, Att. B-O, # <u>7</u> Exhibit DEX 1, Att. P-S, # <u>8</u> Exhibit DEX 2, # <u>9</u> Exhibit DEX 3, # <u>10</u> Exhibit DEX 4)(Edelstein, Julie) (Entered: 07/26/2011)
07/26/2011	<u>1</u> <u>5</u>	Notice of Hearing Date set for September 23, 2011 re <u>13</u> MOTION for Summary Judgment (Edelstein, Julie) (Entered: 07/26/2011)
07/27/2011		Set Deadlines as to <u>13</u> MOTION for Summary Judgment. Motion Hearing set for 9/23/2011 at 10:00 AM in Alexandria Courtroom 900 before District Judge T. S. Ellis III. (clar,) (Entered: 07/27/2011)
08/11/2011	<u>1</u> <u>6</u>	MOTION to Amend/Correct <u>9</u> Scheduling Order, by American Management Services, LLC. (Attachments: # <u>1</u> Proposed Order)(Panzer, David) (Entered: 08/11/2011)
08/11/2011	<u>1</u> <u>7</u>	ORDER granting <u>16</u> Motion to Amend Scheduling Order. (See Order For Details). Signed by District Judge T. S. Ellis, III on 8/11/11. (nhall) (Entered: 08/12/2011)
08/11/2011		Reset Deadlines as to <u>13</u> MOTION for Summary Judgment. Motion Hearing set for 10/21/2011 at 10:00 AM in Alexandria Courtroom 900 before District Judge T. S. Ellis III. (nhall) (Entered: 08/12/2011)
08/29/2011	<u>1</u> <u>8</u>	Memorandum in Opposition re <u>13</u> MOTION for Summary Judgment filed by American Management Services, LLC. (Attachments: # <u>1</u> Proposed Order)(Panzer, David) (Entered: 08/29/2011)
08/29/2011	<u>1</u> <u>9</u>	Declaration re <u>18</u> Memorandum in Opposition (<i>Joe Reeder</i>) by American Management Services, LLC. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4)(Panzer, David) Text Modified on 8/31/2011 To Correct Category Selection Per Counsel Request(nhall). (Entered: 08/29/2011)
08/29/2011	<u>2</u> <u>0</u>	Declaration re <u>18</u> Memorandum in Opposition (<i>Douglas Rouen</i>) by American Management Services, LLC. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10)(Panzer, David) (Entered: 08/29/2011)
08/29/2011	<u>2</u> <u>1</u>	Cross MOTION for Summary Judgment by American Management Services, LLC. (Attachments: # <u>1</u> Proposed Order)(Panzer, David) (Entered: 08/29/2011)
08/29/2011	<u>2</u> <u>2</u>	Memorandum in Support re <u>21</u> Cross MOTION for Summary Judgment filed by American Management Services, LLC. (Panzer, David) (Entered: 08/29/2011)

08/29/2011	2 3	Declaration re 21 Cross MOTION for Summary Judgment (<i>Joe Reeder</i>) by American Management Services, LLC. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4)(Panzer, David) Text Modified on 8/31/2011 To Correct Category Selection Per Counsel Request(nhall). (Entered: 08/29/2011)
08/29/2011	2 4	Declaration re 21 Cross MOTION for Summary Judgment (<i>Douglas Rouen</i>) by American Management Services, LLC. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8, # 9 Exhibit 9, # 10 Exhibit 10)(Panzer, David) (Entered: 08/29/2011)
09/16/2011	2 5	RESPONSE in Opposition re 21 Cross MOTION for Summary Judgment filed by Department of the Army. (Attachments: # 1 Exhibit DEX 5-12)(Edelstein, Julie) (Entered: 09/16/2011)
09/16/2011	2 6	REPLY to Response to Motion re 13 MOTION for Summary Judgment filed by Department of the Army. (Attachments: # 1 Exhibit DEX 5-12)(Edelstein, Julie) (Entered: 09/16/2011)
09/30/2011	2 7	REPLY to Response to Motion re 21 Cross MOTION for Summary Judgment filed by American Management Services, LLC. (Panzer, David) (Entered: 09/30/2011)
09/30/2011	2 8	Declaration of <i>Stan Harrelson</i> by American Management Services, LLC. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F)(Panzer, David) (Entered: 09/30/2011)
10/06/2011	2 9	MOTION for Leave to File <i>Supplemental Declaration</i> by Department of the Army. (Attachments: # 1 Supplemental Declaration, # 2 Proposed Order)(Edelstein, Julie) (Entered: 10/06/2011)
10/06/2011	3 0	Notice of Hearing Date <i>October 21, 2011</i> re 29 MOTION for Leave to File <i>Supplemental Declaration</i> (Edelstein, Julie) (Entered: 10/06/2011)
10/07/2011		Set Deadlines as to 29 MOTION for Leave to File <i>Supplemental Declaration</i> . Motion Hearing set for 10/21/2011 at 10:00 AM in Alexandria Courtroom 500 before District Judge Leonie M. Brinkema. (clar,) (Entered: 10/07/2011)
10/07/2011		Reset Deadlines as to 29 MOTION for Leave to File <i>Supplemental Declaration</i> . Motion Hearing set for 10/21/2011 at 10:00 AM in Alexandria Courtroom 900 before District Judge T. S. Ellis III. (clar,) (Entered: 10/07/2011)

10/17/2011	3 1	ORDER. For good cause and to accommodate the Court's docket, It is hereby ORDERED that the hearing on 10:00a.m., Friday, October 21, 2011 is CONTINUED until 10:00 a.m., Friday, October 28, 2011, at which time defendant's motion for summary judgment (Doc. 13), plaintiff's cross-motion for summary judgment (Doc. 21), and defendant's motion for leave to file supplemental declaration (Doc. 29) will be heard. (See Order For Details). Reset Deadlines as to 13 MOTION for Summary Judgment, 21 Cross MOTION for Summary Judgment, 29 MOTION for Leave to File Supplemental Declaration. Motion Hearing set for 10/28/2011 at 10:00 AM in Alexandria Courtroom 900 before District Judge T. S. Ellis III. Signed by District Judge T. S. Ellis, III on 10/17/11. (nhall) (Entered: 10/18/2011)
10/19/2011	3 2	MOTION to Amend/Correct 9 Scheduling Order, 31 Order, Set Motion and R&R Deadlines/Hearings,,,,,, (Unopposed) by American Management Services, LLC. (Attachments: # 1 Proposed Order)(Panzer, David) (Entered: 10/19/2011)
10/20/2011	3 3	RESPONSE to Motion re 29 MOTION for Leave to File <i>Supplemental Declaration</i> filed by American Management Services, LLC. (Panzer, David) (Entered: 10/20/2011)
10/20/2011	3 4	ORDER granting appearance Pro hac vice of Charles Allen Foster Filing fee \$ 50, receipt number 14683024872. Signed by District Judge T. S. Ellis, III on 10/20/11. (Attachments: # 1 Receipt)(nhall) (Entered: 10/24/2011)
10/21/2011	3 5	ORDER. Accordingly, for good cause It is hereby ORDERED that plaintiff's unopposed motion to amend scheduling order (Doc. 32) is GRANTED insofar as the hearing on defendant's motion for summary judgment (Doc. 13), plaintiff's cross-motion for summary judgment (Doc. 21), and defendant's motion for leave to file supplemental declaration (Doc. 29) is CONTINUED until 2:00 p.m. Friday, December 2, 2011. The hearing will be cancelled in the event that this matter is resolved on the papers before that date. (See Order For Details). Signed by District Judge T. S. Ellis, III on 10/21/11. (nhall) (Entered: 10/24/2011)
10/21/2011		Reset Deadlines as to 13 MOTION for Summary Judgment, 21 Cross MOTION for Summary Judgment, 29 MOTION for Leave to File Supplemental Declaration. Motion Hearing set for 12/2/2011 at 02:00 PM in Alexandria Courtroom 900 before District Judge T. S. Ellis III. (nhall) (Entered: 10/24/2011)
11/21/2011	3 6	ORDER. Accordingly, and for good cause, It is hereby ORDERED that defendant's "motion for leave to supplement Mr. Calcara's declaration" (Doc. 29) is GRANTED. (See Order For Details). Signed by District Judge T. S. Ellis, III on 11/21/11. (nhall) (Entered: 11/21/2011)
12/02/2011	3 7	Minute Entry for proceedings held before District Judge T. S. Ellis, III: Motion Hearing held on 12/2/2011 re 21 Cross MOTION for Summary Judgment filed by American Management Services, LLC, 13 MOTION for Summary Judgment filed by Department of the Army. Motions taken under advisement. Appearances by counsel. (Court Reporter M. Rodriquez) (nmcc) (Entered: 12/05/2011)

12/02/2011	3 8	ORDERED that defendant's motion for summary judgment 13 and plaintiff's cross-motion for summary judgment are TAKEN UNDER ADVISEMENT. It is further ORDERED that defendant must file an affidavit by 5:00 p.m., Tuesday, December 6, 2011 (see order for details). Signed by District Judge T. S. Ellis, III on 12/5/2011. (nmcc) (Entered: 12/05/2011)
12/06/2011	3 9	NOTICE by Department of the Army re 38 Order on Motion for Summary Judgment,,, (Attachments: # 1 Affidavit)(Edelstein, Julie) (Entered: 12/06/2011)
12/13/2011	4 0	TRANSCRIPT of proceedings for dates of 12/02/2011, before Judge Ellis, Court Reporter/Transcriber Michael Rodriquez, Telephone number 301-213-4913. NOTICE RE REDACTION OF TRANSCRIPTS:The parties have thirty(30) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.vaed.uscourts.gov Transcript may be viewed at the court public terminal or purchased through the court reporter/transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 1/12/2012. Redacted Transcript Deadline set for 2/13/2012. Release of Transcript Restriction set for 3/12/2012.(rodriquez, michael) (Entered: 12/13/2011)
01/23/2012	4 1	MEMORANDUM OPINION re: 13 MOTION for Summary Judgment by Department of the Army, 21 Cross MOTION for Summary Judgment by American Management Services, LLC. (See Memorandum Opinion For Details). Signed by District Judge T. S. Ellis, III on 1/23/12. (nhall) (Entered: 01/24/2012)
01/23/2012	4 2	ORDER for the reasons stated in a Memorandum Opinion of even date, It is hereby ORDERED that defendant's motion for summary judgment (Doc. 13) is GRANTED in part and DEFERRED in part. It is further ORDERED that plaintiff's motion for summary judgment (Doc. 21) is DENIED in part and DEFERRED in part. It is further ORDERED that defendant is DIRECTED to produce those documents withheld solely pursuant to the deliberative process privilege for in camera inspection prior to 5:00 p.m., Monday, January 30, 2012. (See Order For Details). Signed by District Judge T. S. Ellis, III on 1/23/12. (nhall) (Entered: 01/24/2012)
01/26/2012	4 3	NOTICE by Department of the Army re 42 Order on Motion for Summary Judgment,,,,, (Attachments: # 1 Attachment 1, # 2 Attachment 2)(Edelstein, Julie) (Entered: 01/26/2012)
01/26/2012	4 4	Sealed Document re 43 NOTICE. (rban,) (Entered: 01/27/2012)
01/30/2012	4 5	ORDERED that defendant's motion for summary judgment 13 is GRANTED; that plaintiff's motion for summary judgment 21 is DENIED. Signed by District Judge T. S. Ellis, III on 1/30/2012. (rban,) (Entered: 01/30/2012)

01/30/2012

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Pursuant to the order of this Court entered on 1/30/2012 and in accordance with Federal Rules of Civil Procedure 58, JUDGMENT is hereby entered in favor of the Department of the Army and against the American Management Services, LLC.(rban,) (Entered: 01/30/2012)

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